

ORIGINAL

ANNE GOODWIN CRUMP*
VINCENT J. CURTIS, JR.
THOMAS J. DOUGHERTY, JR.
JAMES G. ENNIS
PAUL J. FELDMAN*
RICHARD HILDRETH
EDWARD W. HUMMERS, JR.
FRANK R. JAZZO
BARRY LAMBERGMAN
PATRICIA A. MAHONEY
M. VERONICA PASTOR*
GEORGE PETRUTSAS
LEONARD R. RAISH
JAMES P. RILEY
MARVIN ROSENBERG
LONNA M. THOMPSON
KATHLEEN VICTORY*
HOWARD M. WEISS

*NOT ADMITTED IN VIRGINIA

FLETCHER, HEALD & HILDRETH

ATTORNEYS AT LAW

11th FLOOR, 1300 NORTH 17th STREET

ROSSLYN, VIRGINIA 22209

P. O. BOX 33847

WASHINGTON, D.C. 20033-0847

(703) 812-0400

TELECOPIER

(703) 812-0486

PAUL D.P. SPEARMAN
(1936-1962)
FRANK ROBERSON
(1936-1961)

RETIRED
RUSSELL ROWELL
EDWARD F. KENEHAN
ROBERT L. HEALD
FRANK U. FLETCHER

OF COUNSEL
EDWARD A. CAINE*

SPECIAL COUNSEL
CHARLES H. KENNEDY*

WRITER'S NUMBER
(703) 812-

RECEIVED

JAN 25 1994

FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

January 25, 1994

Mr. William F. Caton
Acting Secretary
Federal Communications Commission
Room 222
1919 M Street, N.W.
Washington, D.C. 20554

Re: MM Docket No. 93-284
RM-8375
Woodville, Mississippi
and Clayton, Louisiana

Dear Mr. Caton:

Transmitted herewith, on behalf of Gary P. Albarez and J. Keith Frederick d/b/a Clayton FM Partnership, are an original and four copies of its "Reply Comments and Request to Terminate Proceeding" in the above-referenced matter.

Should any questions arise concerning this matter, please communicate with this office.

Very truly yours,

Anne Goodwin Crump

Anne Goodwin Crump
Counsel for
Gary P. Albarez and J. Keith
Frederick d/b/a Clayton FM
Partnership

Enclosures

No. of Copies rec'd
List ABCDE

074

BEFORE THE
Federal Communications Commission

WASHINGTON, D.C. 20554

ORIGINAL
RECEIVED
JAN 25 1994
FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

In the Matter of)
)
Amendment of Section 73.202(b),)
Table of Allotments,)
FM Broadcast Stations.)
(Woodville, Mississippi and)
Clayton, Louisiana)

MM Docket No. 93-284
RM-8375

Directed to: Chief, Allocations Branch

REPLY COMMENTS AND REQUEST TO TERMINATE PROCEEDING

Gary P. Albarez and J. Keith Frederick d/b/a Clayton FM Partnership ("Clayton FM"), by their attorneys, hereby respectfully submit their Reply Comments and Request to Terminate Proceeding in the above-captioned matter. With respect thereto, the following is stated:

1. The Commission's Notice of Proposed Rule Making in the above-captioned proceeding, DA 93-1307, released November 12, 1993 ("NPRM"), proposes to substitute Channel 299C3 for Channel 299A at Woodville, Mississippi, and to delete Channel 300A at Clayton, Louisiana. The NPRM also states that if an application for the Clayton allotment were filed during the comment cycle in this proceeding, the channel would be retained at Clayton, and no further consideration would be given to the proposed allotment of Channel 299C3 at Woodville.

2. On January 13, 1994, Clayton FM tendered for filing an application for construction permit for the Clayton allotment. Therefore, in accordance with the Commission's statement in the NPRM, no further consideration should be given to the proposed


allotment at Woodville. As stated in the NPRM, it is Commission policy not to delete channels in which interest has been expressed. Clayton FM has expressed interest in the Clayton allotment through filing both Comments in this proceeding on January 10, 1994, and an application for construction permit on January 13, 1994. Accordingly, no further purpose would be served by keeping this proceeding open.

WHEREFORE, the premises considered, it is respectfully requested that the Commission terminate the above-captioned proceeding and reject the request of PDB Broadcasting to delete Channel 300A from Clayton, Louisiana.

Respectfully submitted,

GARY P. ALBAREZ AND J. KEITH
FREDERICK D/B/A CLAYTON FM
PARTNERSHIP

By:


Vincent J. Curtis, Jr.
Anne Goodwin Crump

Their Attorneys

FLETCHER, HEALD & HILDRETH
11th Floor
1300 North 17th Street
Rosslyn, Virginia 22209
(703) 812-0400

January 25, 1994

CERTIFICATE OF SERVICE

I, Mary A. Haller, a secretary in the law firm of Fletcher, Heald & Hildreth, do hereby certify that true copies of the foregoing Reply Comments and Request to Terminate Proceeding were sent this 25th day of January, 1994, by first-class United States mail, postage prepaid, to the following:

Donald B. Brady
President
PDB Corporation
141 McTyere
Jackson, Mississippi

Mary A. Haller
Mary A. Haller